

EXHIBIT 1

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

GUSTAVIA HOME LLC,

Plaintiff,

-against-

JEAN MARC BIJOUX; JUNE FREEMAN BIJOUX a/k/a JUNE
FREEMAN a/k/a JUNE BIJOUX FREEMAN, *et al.*;

Defendant(s).

AFFIDAVIT

Index No.: 16-4029

STATE OF NEW YORK)
)ss.:
COUNTY OF SUFFOLK)

JOSEPH LEGGIO, being duly sworn deposes and says:

1. I am a licensed process server who served the Defendants in the instant action.
2. I have been a process server for approximately 13 years.
3. I am a licensed process server for New York City.
4. I was licensed as a process server in November 2016, the date that service was effectuated on Defendants in the instant action.
5. I perform hundreds of services per year in a variety of actions and proceedings throughout New York.
6. I perform services for Alstate Process Service, Inc. as an Independent Contractor.
7. Alstate Process Service, Inc. ("Alstate") is located at 60 Burt Drive, Deer Park, New York.
8. I was notified by Plaintiff's Counsel, The Margolin & Weinreb Law Group, LLP, that Defendant Jean Marc Bijoux's filed an application seeking to vacate his default, wherein Defendant alleges that he was never served with pleadings.

9. I am familiar with the facts and circumstances hereinafter set forth based upon a review and examination of the records maintained in the regular course of business. It is regular course of business to keep and maintain such records.
10. I make this affidavit based upon my review and examination of the records, which include data compilations, electronically imaged documents and others, and from my own personal knowledge of how they are kept and maintained in the regular course of business. It is the regular course of business to keep and maintain such records. In connection with making this Affidavit, I have personally examined these business records reflecting data and information as of August 14, 2019.
11. The records are made at or near the time of the event and are exclusively under my custody and control.
12. I recall specific details about this service although it was a number of years ago.
13. A review of my business records provide that certain notes were taken at the time of service on my Work Tickets which are attached hereto at Exhibit "A". These Work Tickets are issued to me by Alstate and basically provide me with specifics about where, whom and what to serve. In addition to the Work Tickets I maintain my own process server log book, pursuant to New York City Law, with regards to which services are effectuated and not effectuated on a daily basis.
14. Specifically, on November 7, 2016 at 4:51 p.m., November 8, 2016 at 12:47 p.m. and November 9, 2016 at 4:03 p.m. I went to the premises located at 221-02 114th Avenue, Cambria Heights, New York 11411 ("Subject Premises") but no one was available during those dates.

15. I returned on November 14, 2016 at 4:34 p.m. to the Subject Premises and served Jean Marc Bijoux by substitute service through his brother, Luc Bijoux. *See* Exhibit "A". Luc Bijoux is not a named Defendant in the instant action.
16. On the date that service was effectuated, November 14, 2016, Luc Bijoux informed me that he moved in more than a year ago to live with his brother. *See* Work Ticket at Exhibit "A". Luc Bijoux was very cooperative and forthcoming during our exchange and he informed me that his brother, Jean Marc Bijoux, was recently divorced. I also asked Luc Bijoux whether his brother was in the military to which he confirmed that he was not currently active in the military.
17. I requested that Luc Bijoux sign my Work Ticket when I provided the pleadings, and he did so. *See* Exhibit "A".
18. While Luc Bijoux signed my Work Ticket, I took a photo using the Global Positioning System ("GPS") application found in my cellular phone to verify my location and the subject at the time of service. *See* Exhibit "B". These GPS photos are stored in my phone and are timestamped when each photo is taken. I retrieved the attached photograph from my phone.
19. I have to take a GPS photo pursuant to the process serving rules in New York City.
20. A review of the GPS photo at the time the photo was taken you can see my Work Ticket in Luc Bijoux's hands.
21. On November 14, 2016 I also served the Defendant with a copy of the pleadings by first class mailings which were sent to the Subject Premises.
22. Defendant Jean Marc Bijoux was properly served and his allegations of receiving no pleadings is belied by the documentary evidence provided herein.

23. I trust the Court will take note of the evidentiary submissions and render its decision accordingly.

I am making this Affidavit with full knowledge that the United States District Court, Eastern District of New York is relying upon the truth of the statements contained herein.

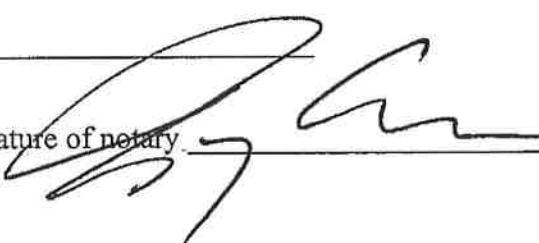
By:



JOSEPH LEGGIO
LICENSE No. 12735575 - DCA

STATE OF NEW YORK)
) ss:
COUNTY OF SUFFOLK)

On this 14th day of August, 2019, before me, the undersigned notary public, personally appeared **JOSEPH LEGGIO** [Name of Document Signer], personally, known to the notary or proved to the notary through satisfactory evidence of identification, which was Personal Knowledge [Type of Identification], to be the person who signed the preceding or attached document in my presence, and who swore or affirmed to the notary that the contents of the document are truthful and accurate to the best of his or her knowledge and belief.

(Seal) 

Official signature of notary

ROSEMARY A. LAMANNA
NOTARY PUBLIC, State of New York
No. 01LA6024592
Qualified in Suffolk County
Commission Expires June 27, 2023

Printed or typed name of notary

EXHIBIT A

Alstate Process Service Inc.
60 Burt Drive
Deer Park, NY 11729
Ph: 631/667-1800
Fax: 631/667-0301



2524521

| |
|--------------------|
| Server Information |
| LOWER QUEENS |

| | |
|------------|---|
| Court: | UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK |
| CaseNo: | 1:16-CV-04029-SJ-RML |
| Purchase | 07/20/2016 |
| Date: | |
| Plf: | GUSTAVIA HOME, LLC. |
| Def: | JEAN MARC BIJOUX, ET AL |
| Documents: | SUMMONS IN A CIVIL ACTION AND VERIFIED COMPLAINT; CERTIFICATE OF MERIT; I303 NOTICE-Help for Homeowners in Foreclosure in bold fourteen-point type and printed on colored paper; and the title to the notice printed in twenty-point type in compliance with RPAPL Sect 1303. |

Received: 11/04/2016

Deadline: 11/11/2016
Service of Process - Routine

JOB#:2524521
Serve Only

Recipient: JEAN MARC BIJOUX
MORTGAGOR

1. 221-02 114TH AVENUE CAMBRIA HEIGHTS, NY 11411

SPECIAL INSTRUCTIONS: 1 OF 8 PERSONAL SERVICE PREFERRED, BUT SUITABLE AGE IS AUTHORIZED.
MUST VERIFY MILITARY STATUS..

Date of Service: 11-14-16Time of Service: 4:34PMPerson Served: LUC BIJOUXRelationship/Title: BROTHERAdditional Features/Comments: FM PHOT.**Description****ATTEMPTS**

Sex:

Skin:

Weight:

Notes

Male
 Female

White
 Black
 Brown
 Yellow
 Red

<100 lbs.
 100 - 124
 125 - 149
 150 174
 175 - 199
 200 - 224
 225 - 250
 251+

Date/Time

11-7-16 4:51PM N/A

Age:

Height:

11-8-16 12:47 PM 2 st fl to

14 - 17 yrs
 18 - 24
 25 - 30
 31 - 39
 40 - 49
 50 - 59
 60 - 65
 65+

<5'0"
 5'0" - 5'3"
 5'4" - 5'7"
 5'8" 5'11"
 6'0" - 6'3"
 6'4" - 6'6"
 6'7"+

11-9-16 4:03PM N/A 51017

Hair:

To door

Blonde
 Brown
 Black
 Red
 Gray
 Bald

LUC BIJOUX
move d in 1 yr ago
to live w/ his brother

Client Information:
THE MARGOLIN & WEINREB LAW GROUP, LLP ClientRef#:221-02
114TH AVENUE 221-02 114TH AVENUE

Recipient

Deponent confirmed with the above recipient/individual/defendant that said defendant is not currently active in the military service of the United States Government or in the State of New York

The second box, Deponent served the RPAPL Section 1303 Notice upon said defendant

Sue O BiJou

EXHIBIT B

GPS/Cellular Date/Time:

Device Date/Time: 2016:11:14 16:23:39

GPS: N 40° 47.8263 / W 73° 14.9725

APPX: 40.797959 / -73.603497

Accuracy: 9.797959 Meters

Lock Type: GPS